

Condominium and Cooperative Conversion Ordinance
FREQUENTLY ASKED QUESTIONS FOR OWNERS AND TENANTS
Updated May 14, 2021

Purpose

Question #1: **What does the Condominium and Cooperative Conversion Ordinance do?**

Answer: The Condominium and Cooperative Conversion Ordinance primarily provides protection to tenants facing displacement as a result of conversion to condominium or cooperative units.

Question #2: **Can I convert my property to condominium or cooperative units?**

Answer: Yes. There is no moratorium on condominium or cooperative conversions. Those who wish to convert their property to condominium or cooperative units must provide any tenants with proper notice of the conversion, create a Conversion Plan with the Department of Neighborhood Development (DND), and secure a Conversion Permit from the Inspectional Services Department (ISD). See the Conversion Permit Process FAQ for more information.

Question #3: **What properties does the Condominium and Cooperative Conversion Ordinance cover?**

Answer: With a few exceptions, the ordinance applies to any residential property built before December 1983 that has four or more rental units, and where the owner intends to convert the property to a residential condominium or cooperative use, whether through the conversion of the existing units, or through the demolition of the units and building a new condominium or cooperative building.

Question #4: **When can I file a condominium master deed at the Registry of Deeds?**

Answer: An owner of a property may file a master deed at the Registry of Deeds at any time, but you cannot sell a particular unit until a Conversion Permit has been issued by the Inspectional Services Department for that unit.

Occupied Properties

Question #1: **Who is entitled to tenant protections under the updated Condominium and Cooperative Conversion Ordinance?**

Answer: Any tenant who is living in a unit at the time an owner forms the intent to convert that rental unit to a condominium or cooperative unit is entitled to the tenant protections granted by the Ordinance.

Question #2: Do some tenants get enhanced protections?

Yes. Households with a tenant aged 62 or older, or households with a tenant who has a mental or physical disability, as defined in the Ordinance, and/or households with a combined household income at or below 80% of the Area Median Income for the 12 months immediately preceding service of the conversion notice (hereafter called “low/moderate income”) are entitled to receive enhanced tenant protections. The Office of Housing Stability (OHS) can assist tenants with questions about enhanced protections and can provide assistance with documentation issues. Call OHS at 617-635-4200 for assistance.

Question #3: If I have tenants, when do they need to be notified that I am seeking to convert their unit to a condominium or cooperative unit?

Answer: An owner is obligated to notify all tenants of the owner’s intent to convert from rental to condominium or cooperative units as soon as the owner has developed an intent to convert as defined by the Ordinance. Tenants should be notified of the owner’s intent to convert prior to submission of an application to DND for a Conversion Plan.

Question #4: What notification do I need to send to my tenants? Do I also need to send the Tenant Notification to DND?

Answer: The Tenant Notification Form needs to be provided to all tenants upon forming the intent to convert. Owners may provide their own notice in addition to the required form if they so choose. A copy of the Tenant Notification Form must be provided to DND at the same time that it is served on the Tenant.

Question #5: If a tenant speaks a language other than English, how should they be notified?

Answer: The landlord should provide the tenant the notice in the language the tenant speaks. DND is providing translations of the notice in ten languages.

Question #6: What is the tenant notice period and how long is it?

Answer: The tenant notice period is the amount of time a tenant is entitled to remain in the unit after the tenant is provided notice by the owner that there is an intent to sell the unit as a condominium or cooperative, regardless of whether the tenant has a lease or is a month-to-month tenant. A tenant cannot be evicted during this time unless the eviction is due to a substantial violation of the lease, and not to facilitate the sale of a condominium or cooperative unit.

Currently, there is a one year notice period for all tenants who are not elderly, disabled or low-/moderate-income.

For tenants who are elderly, low-/moderate-income and/or disabled, the notice period is five years.

If a household/tenant is given a one year notice and that household is later determined to be eligible for a five year notice, the owner cannot secure a Conversion Permit for that specific unit until the five years has lapsed or when the household has been properly relocated, whichever occurs first. A Conversion Permit may be secured for units occupied by eligible households after the one year notice period has expired.

Question #7: Are tenants entitled to a relocation payment?

Answer: Yes, all tenants are entitled to a relocation payment. Tenants who are elderly, disabled and/or low/moderate income are entitled to a relocation payment of \$15,000, and all other tenants are entitled to a relocation payment of \$10,000. This payment is per unit, not per tenant.

Question #8: As a tenant, do I have to stay in the unit for the entire notice period?

Answer: No. As a tenant, you have the right to stay for the full notice period, but you also have the right to vacate the unit at any point after having provided 30 days' notice to your property owner. You are still entitled to the relocation payment, even if you vacate your unit before the end of the notice period. You should make sure that you understand all of your rights before making a decision about whether you should vacate your unit before the end of the notice period.

Question #9: Can a tenant's rent be increased during the notice period?

Answer: Yes, but rent increases are limited. The tenant's rent can be increased by no more than the 10% annually, or by the percentage increase in the Consumer Price Index increase as published by the US Department of Labor, for the calendar year immediately proceeding the date upon which the rental housing agreement is extended, whichever is less.

Question #10: Can my property owner renovate my unit during the notice period?

Answer: Yes, though the tenant is entitled to freedom from unreasonable disruption and breach of quiet enjoyment as a result of rehabilitation, repairs, or improvements made by the landlord during the notice period.

Question #11: Who is entitled to housing search assistance from the property owner?

Answer: Any tenant who is elderly, disabled or low/moderate income is entitled to housing search assistance from their property owner to locate accessible, appropriately sized, comparable rental housing within the City of Boston, or within their current neighborhood, if they should choose.

Question #12: Can any other terms of the tenancy be changed during the notice period?

Answer: No terms of a tenancy can be changed during the notice period other than the amount of the rent.

Right to Purchase

Question #1: **What is the tenant's right to purchase?**

Answer: A tenant residing in a unit undergoing conversion has the right to purchase their unit.

Question #2: **Who has the right to purchase?**

Answer: Any tenant who is currently residing in a unit at the time the owner forms an intent to sell the unit as a condominium or cooperative is entitled to the right to purchase. Tenants shall have 120 days after the landlord extends the offer to sign a purchase and sales agreement.

Question #3: **How are sale prices set?**

Answer: The owner of the property sets the price, but it cannot be higher than the prices extended to the public or a third party.

Question #4: **How is my right to purchase affected if the owner is going to eliminate my unit?**

Answer: If your unit is eliminated, either through demolition or through combining it with another unit, you still have a right to purchase a unit in the converted property. If more than one tenant is seeking the same unit, DND will hold a lottery to determine who can purchase the unit.

Vacant Properties/Units

Question #1: **Do I have to empty property of tenants in order to convert to condominium or cooperative units?**

Answer: No. Emptying your property for the purposes of a condominium or cooperative conversion constitutes a condominium or cooperative conversion eviction and is not allowed before securing a Conversion Permit.

Question #2: **What is the Conversion Permit process if the property is vacant?**

Answer: If you own or purchase a vacant property and wish to convert the units to condominium or cooperative units, the owner first must contact DND and provide documentation about any tenants who might have lived in the property during the previous 12 months. DND will determine if the property has been vacant for at least a year. The owner can then apply for a Conversion Permit from ISD. If the property had not been vacant for at least one year, you may be liable for any costs or penalties associated with the improper conversion of the property.

Question #3: Can a vacant unit be rented out after the Conversion Plan has been approved, but before the conversion to a condominium or cooperative has taken place?

Answer: Yes, a unit can be rented out during the period that a Conversion Plan is in place, but that tenant will not receive any of the benefits of the condominium or cooperative conversion ordinance.

The Conversion Permit Process

Question #1: **What are the steps of the conversion process?**

Answer: The following is a summary of the steps in the conversion process

- 1) Owner Notifies Tenants of their Rights under the Ordinance
 - a) Use the DND developed notification form.
 - b) Submit a copy of the notification sent to each tenant to DND, and register the project with DND.
- 2) A Conversion Plan is created
 - a) Building owner provides information on tenancies to DND.
 - b) DND contacts tenants to confirm eligibility for expanded conversion benefits.
 - c) DND and the building owner complete a Conversion Plan.
- 3) The Conversion Plan is implemented
 - a) DND monitors notices to tenants, as well as relocation and right to purchase activities.
- 4) Owner files for a Conversion Permit with ISD
 - a) ISD contacts DND for documentation that Conversion Plan requirements have been met.
 - b) ISD provides a permit, which allows for sale of a unit or units.
- 5) Owner sells units

Question #2: **What criteria will the Inspectional Services Department (ISD) use to decide whether to issue a permit?**

Answer: DND will make a recommendation to ISD based on whether or not the owner has provided all the requested documents, has fulfilled the requirements of a Conversion Plan, and has otherwise complied with all provisions of the Condominium and Cooperative Conversion Ordinance.

Question #3: **Do Conversion Permits expire?**

Answer: Yes. If a property owner does not sell the unit they have converted within two years of receiving a Conversion Permit from the Board, the permit will lapse. In addition, if an applicant fails to file a master deed with the Registry of Deeds within one year from receiving a Conversion Permit, or if the master deed or articles of organization have been rescinded and the property is no longer a condominium or cooperative, the permit will lapse.

The Ordinance and can be found here: boston.gov/condominium-and-cooperative-conversion-ordinance

Feel free to call 617-635-3880 with any questions or concerns.